



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

July 9, 2018

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:03 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Price presiding.

ROLL CALL:

Present: *City Council Members Creighton, Raymond, Vierra, Mayor Pro Tem Vineyard, Mayor Price*

Absent: *None*

Staff Present: *Interim City Manager Waterman, Deputy City Attorney Hallinan, Deputy City Clerk Bengtson-Jennings*

CLOSED SESSION: (Conference Room A)

Mayor Price invited public comments on Closed Session items.

No one came forward to speak.

Mayor Price adjourned the meeting to Conference Room A for Closed Session at 5:04 PM. Closed Session was called to order at 5:10 PM.

Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(2)(d): Number of cases: (2)

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Disposition. Agency Negotiator: Interim City Manager Waterman

Property Locations: 001-134-015
 001-134-012
 056-241-005

Closed Session adjourned at 5:46 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:02 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Price presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Mayor Price.

INVOCATION:

The Invocation was led by Police Chaplain Mead.

ROLL CALL:

***Present: City Council Members Creighton, Raymond, Vierra, Mayor Pro
 Tem Vineyard, Mayor Price***
Absent: None
***Staff Present: Interim City Manager Waterman, Deputy City Attorney Hallinan,
 CAL FIRE Battalion Chief Wight, Human Resources Director
 Del Real, Interim Police Chief Bessinger, Recreation
 Supervisor Rahn, Chief Building Official Pereida, City Clerk
 Hylar III, Recording Secretary Rasmussen***

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Deputy City Attorney Hallinan reported that no action was taken and staff was given direction. The Closed Session agenda was completed.

SUBSEQUENT NEED ITEMS: *None.*

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

MOTION: *City Council Member Creighton moved to approve the agenda as posted. The motion was seconded by Mayor Pro Tem Vineyard and the vote was:*

Ayes: Creighton, Raymond, Vierra, Vineyard, Price; Noes: None; Absent: None. The motion passed.

CEREMONIAL MATTERS:

2018 Community Service State Queen Dora Anderson

Mayor Price introduced Dora Anderson of Atwater and presented her with a crown as 2018 Community Service State Queen of the California Miss Plus America Pageant. Interim City Manager Waterman assisted with the placing of the official sash, and Mayor Price presented Ms. Anderson with a bouquet of roses.

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel reported that Merced County has submitted a grant for development at Castle. He also described the State Water Control Board's recent release of their report as detrimental to the cities of the Valley. He noted that he and other Valley city leaders are coordinating a rally to be held on the Capitol steps. He further stated that a budget item may be needed from those cities affected including the City of Atwater.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

MIKE AKERS, Atwater, questioned the large payments to the City Attorney. He suggested that Atwater consider hiring a full time in-house City Attorney.

ERIC LEE, Atwater, took issue with comments made at a previous City Council meeting regarding the Tow Yard as a "boondoggle." He stated that he believed the Tow Yard was prematurely terminated in light of the fact that it was making money. He also questioned the actions of the City Council regarding their decisions regarding fiscal responsibility.

KEITH PELOWSKI, Atwater, advised the City Council of a huge pothole located on Falcon Court and asked that Public Works address the problem. He further cited that questions asked during the public comment portion of City Council meetings are sometimes not answered following the close of Comments from the Public. He also requested an accounting of how much money has been spent to date on the Police Chief Joseph investigation case. He asked for an explanation of why the Water Fund is three million dollars in debt.

LINDA DASH, Atwater, requested an explanation of \$5,000 in the budget for "tipping fees" and a Police Field Operations line item of \$462,000. She asked if Atwater has a gang task force or a crime prevention task force. She also asked if

any cannabis fees will go to the Police Department. She questioned the budget item of \$300,000 for City Attorney fees while over \$700,000 is being spent.

FRANK JOHNSON, Modesto, questioned the advisability of another Interim Police Chief while there is still no resolution to the Police Chief Joseph case. He requested that Police Chief Joseph be fired.

GREG McDANIEL, Atwater, thanked the City Council and everyone associated with the 4th of July activities and reported that the fireworks show and concert were a great success.

DANNY HERNANDEZ, Atwater, expressed his pleasure at having met with new Interim Police Chief Bessinger and thanked Interim City Manager Waterman for removing Interim Police Chief Echevarria. He also requested that the investigation results related to Police Chief Joseph be provided to the new Interim Police Chief.

No one else came forward to speak.

CONSENT CALENDAR:

Agenda item #6 under Ordinances (Waiving Second Reading and Adoption), "Waiving the second reading and adopting Ordinance No. CS 998 amending Title 13 "Public Services," Chapter 13.13 "Water Conservation Program" of the Atwater Municipal Code relating to watering schedule," was removed from the consent calendar for separate discussion and possible action.

***MOTION:** Mayor Pro Tem Vineyard moved to approve the consent calendar as amended. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vineyard, Vierra, Creighton, Raymond, Price; Noes: None; Absent: None. The motion passed.*

WARRANTS:

1. July 9, 2018

***ACTION:** Approval of warrants as listed.*

MINUTES: (City Council)

2. Special meeting, June 11, 2018

***ACTION:** Approval of minutes as listed.*

MINUTES: (Community Development and Resources Commission)

3. Regular meeting, May 16, 2018

ACTION: Acceptance of minutes as listed.

RESOLUTIONS:

4. Adjusting District Election Boundary map to incorporate Ferrari Ranch Annexation (City Clerk Hyler III)

ACTION: Adoption of Resolution No. 3020-18 adjusting the City of Atwater's District Election Boundary map to incorporate Ferrari Ranch Annexation into District 4; and authorizes and directs the City Clerk's office to transmit the updated map to the Merced County Registrar of Voters.

AGREEMENTS:

5. Approving Professional Services Agreement with AECOM regarding 2018 Sewer System Management Plan Update (Interim Public Works Director Shaw)

ACTION: Approval of Professional Services Agreement, in a form approved by the City Attorney, between the City of Atwater and AECOM in an amount not to exceed \$34,579 for preparation of the 2018 Sewer System Management Plan Update; and authorizes and directs the Interim City Manager to execute the Agreement on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

6. Waiving the second reading and adopting Ordinance No. CS 998 amending Title 13 "Public Services," Chapter 13.13 "Water Conservation Program" of the Atwater Municipal Code relating to watering schedule (Interim Public Works Director Shaw)

This item was removed from the consent calendar for separate discussion and possible action.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

7. Fire Department activities and projects for the month of June, 2018 (CAL FIRE Battalion Chief Wight)

ORDINANCES:

Waiving the second reading and adopting Ordinance No. CS 998 amending Title 13 "Public Services," Chapter 13.13 "Water Conservation Program" of the Atwater Municipal Code relating to watering schedule (Interim Public Works Director Shaw)

Mayor Pro Tem Vineyard asked when the new ordinance would take effect.

Interim City Manager Waterman responded that the effective date is 30 days after adoption by the City Council: August 9, 2018.

MOTION: *Mayor Pro Tem Vineyard moved to waive the second reading and adopt Ordinance No. CS 998 amending Title 13 "Public Services," Chapter 13.13 Water Conservation Program" of the Atwater Municipal Code relating to watering schedule. The motion was seconded by City Council Member Creighton and the vote was: Ayes: Vineyard, Vierra, Creighton, Raymond, Price; Noes: None; Absent: None. The motion passed.*

INTERIM CITY MANAGER REPORTS/UPDATES:

Resolution amending Classification Plan and adopting Salary Schedule A-19

Interim City Manager Waterman provided an overview of changes to staff positions affecting the proposed Classification Plan and Salary Schedule.

MOTION: *City Council Member Creighton moved to adopt Resolution No. 3045-18 amending the City of Atwater Classification Plan and adopting Salary Schedule A-19 to be effective upon ratification of current labor agreements. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Vierra, Vineyard, Raymond, Creighton, Price; Noes: None; Absent: None. The motion passed.*

Resolution rescinding ballot measure for the General Municipal Election asking whether the position of Atwater City Treasurer should be appointive, rather than elective

Interim City Manager Waterman advised that this item finalizes a request from the City Council from the previous regular City Council meeting of June 25, 2018.

Motion: *Mayor Pro Tem Vineyard moved to adopt Resolution No. 3047-18 rescinding Resolution No. 3036-18 submitting a ballot measure to the City's qualified voters at the Statewide General Election on November 6, 2018 asking whether the position of Atwater City Treasurer should be appointive, rather than elective. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Raymond, Creighton, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.*

Verbal update regarding Fiscal Solvency Efforts

Interim City Manager Waterman reported on recent conversations with the State Audit Committee in which she received several positive responses to the measures that the City has taken to address their fiscal issues. Specifically, the State Audit Committee complimented the City on their process of public meetings.

Kendall Flint, Director of Strategic Planning for RSG, summarized the meeting with the State Audit Committee and announced that the official documents from the City will be submitted to the State Audit Committee on August 16, 2018.

Mayor Pro Tem Vineyard requested a written report from Interim City Manager Waterman regarding her meeting with the State Audit Committee.

Ratifying Employment Agreement for Interim Police Chief

Interim City Manager Waterman commended and thanked former Interim Police Chief Echevarria for his service. She introduced the new Interim Police Chief, Drew Bessinger.

Interim Police Chief Bessinger introduced himself and offered a recap of his 40 years of experience and confirmed his dedication to improving the Atwater Police Department.

MOTION: Mayor Pro Tem Vineyard moved to approve and ratify the Retired Annuitant Employment Agreement, in a form approved by the City Attorney, with Drew Bessinger for the Interim Police Chief position; and authorizing and directing the Interim City Manager to execute the Agreement on behalf of the City. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Creighton, Raymond, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.

CITY ATTORNEY REPORTS/UPDATES:

Resolution adopting City Officials' Handbook

Deputy City Attorney Hallinan asked if there were questions from the City Council regarding the proposed City Officials' Handbook.

Mayor Pro Tem Vineyard expressed concern that input from him and City Council Member Vierra are not clear in the final draft. He further stated that the format does not show where changes were made following input from City Council members or staff. He suggested providing a red-line copy of the document for City Council members to review.

City Council Member Vierra requested that the City Officials' Handbook be brought back to a future council meeting.

MOTION: Mayor Pro Tem Vineyard moved to direct the City Attorney to provide a red-line copy of the draft document for review by staff and City Council members; and to provide a draft copy of the document to the State Audit Committee until a final version is approved. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Vierra, Vineyard, Creighton, Raymond, Price; Noes: None; Absent: None. The motion passed.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Raymond praised the work of Greg McDaniel for his many years of community service and congratulated him on the very successful 4th of July festivities this year.

City Council Member Vierra congratulated and thanked Greg McDaniel for everything he has given to the City in many programs throughout the years. She wished him well on his retirement from community work. She also thanked Finance Director Deol for her personal sacrifice and dedication to the City regarding the recent budget cuts removing the position of Deputy City Manager/Finance Director.

City Council Member Creighton thanked former Interim Police Chief Echevarria for his service. He also thanked Finance Director Deol for her efforts to bring the budget in line. He expressed his gratitude to both Greg McDaniel for his many years of community service and to Mayor Price for his help during the 4th of July festivities.

Mayor Pro Tem Vineyard stated that he has received several inquiries from the VFW Auxiliary regarding their donation of a bench to be placed in Veterans Park. He asked when the park bench would be put in place. He thanked Interim Police Chief Bessinger for his work during the recent murder incident in Atwater. He reported that the Police Volunteers logged long hours during the 4th of July celebrations. The Atwater Police Officers were working 17 hour shifts and answered 100 calls during the holiday.

Mayor Price also thanked everyone for their help with the 3rd of July events at Ralston Park. He asked that citizens check on the elderly and those suffering illness during the heat we are experiencing. He also asked if Atwater has a cooling center.

Battalion Chief Wight responded that the target range for opening a cooling center is 105 degrees.

Mayor Price thanked everyone in attendance for their patience and for attending, given the lack of air conditioning in the City Council Chambers.

CLOSED SESSION:

Continuation of Closed Session was not necessary.

ADJOURNMENT:

The meeting adjourned at 7:33 PM.



Don Hyler III, City Clerk

By: Lesa Rasmussen,
Recording Secretary